

EDWARD GARCIA, Bar No. 173487  
KULUVA, ARMIJO & GARCIA  
One California Street, Suite 1150  
San Francisco, CA 94111  
(415) 273-6500  
(415) 273-6535  
[edgarcia@kuluvalaw.com](mailto:edgarcia@kuluvalaw.com)

Attorneys for Defendant  
Madison Vineyard Holdings, LLC dba Jamieson Ranch Vineyards

UNITED STATES DISTRICT COURT

IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

CARMEN GUZMAN, AN INDIVIDUAL,

Plaintiff,

vs.

MADISON VINEYARD HOLDINGS, LLC, A  
LIMITED LIABILITY CORPORATION,  
DBA, JAMIESON RANCH VINEYARDS;  
AND DOES 1 - 100, INCLUSIVE,

Defendants.

CASE NO.

[Alameda County Superior Court No. RG15797471]

**NOTICE OF REMOVAL OF ACTION;  
DECLARATION OF EDWARD GARCIA  
FILED CONCURRENTLY HEREWITH  
[28 U.S.C. §§ 1332, 1441 and 1446]**

PLEASE TAKE NOTICE that Defendant MADISON VINEYARD HOLDINGS, LLC DBA JAMIESON RANCH VINEYARDS (“Defendant”) submits this Notice of Removal pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, removing this action from the Superior Court of the State of California, County of Alameda, in which the action is currently pending, to the United States District Court for the Northern District of California. Jurisdiction exists under 29 U.S.C. § 1332.

Defendant states the following facts as grounds for removal:

1. Plaintiff Carmen Guzman (“Plaintiff”) commenced this action captioned *Guzman v. Madison Vineyard Holdings, LLC dba Jamieson Ranch Vineyards and Does 1-100*, in the Superior Court of the State of California, County of Alameda, case no. RG15797471 (referred to herein as “Action” or “State Court Action”). The Complaint in this Action was filed on December 21, 2015. On January 5, 2016, Plaintiff served a copy of the Summons and Complaint on Defendant’s legal

counsel. *See* Declaration of Edward Garcia (“Garcia Decl.”), ¶ 3 and Exhibit B.

**The Amount in Controversy Requirement is Satisfied**

2. The amount in controversy exceeds \$75,000, inclusive of compensatory damages, punitive damages and statutory attorneys’ fees. More specifically, Plaintiff claims in the Complaint: (1) Gender Discrimination (FEHA) (Complaint, ¶¶ 33 - 39, Exhibit A to Garcia Decl.); (2) Racial Harassment (FEHA) (Complaint, ¶¶ 40 - 45, Exhibit A), (3) Racial Discrimination (FEHA) (Complaint, ¶¶ 46 - 52, Exhibit A), (4) Disability Discrimination (FEHA) (Complaint, ¶¶ 53 - 57 Exhibit A), (5) Retaliation (FEHA) (Complaint, ¶¶ 58 - 64 Exhibit A), (6) Retaliation and Harassment (CFRA) (Complaint, ¶¶ 65 - 72 Exhibit A), and (7) Wrongful Termination (Public Policy) (Complaint, ¶¶ 73 - 78 Exhibit A).

In addition to general, consequential and special damages, Plaintiff also demands interest, punitive damages, and statutory attorneys’ fees and costs. (Complaint, p. 17).

**Complete Diversity Exists**

3. Plaintiff is a resident of the State of California. Complaint, ¶2.

4. Defendant is incorporated as a limited liability company in the State of Delaware, and its headquarters is in the Cayman Islands. *See* Garcia Decl., ¶5.

5. The Complaint also names Defendants Does 1-100. Pursuant to 28 U.S.C. § 1441(a), the citizenship of these defendants is disregarded.

6. This is a civil action over which the Court has original jurisdiction under the provisions of 28 U.S.C. § 1332 and may be removed to this Court by the Defendant pursuant to the provisions of 28 U.S.C. § 1441(a) because it is a civil action between citizens of different states and the matter in controversy herein exceeds the sum or value of \$75,000, exclusive of interest and costs.

**The Other Requirements for Removal Are Met**

7. This Notice of Removal is being filed within thirty (30) days of service on the first-served defendant. Thus, this Notice of Removal is timely filed under 28 U.S.C. § 1446(b).

8. Venue in this District is proper under 28 U.S.C. § 1441(a) because the State Court Action is pending in a state court located within this District.

9. Pursuant to 28 U.S.C. § 1446(a), Defendant has removed this action “to the district

1 court of the United States for the district and division within which such action is pending ....” As  
2 the State Court Action was pending in Alameda County, Defendant has removed the Action to the  
3 United States District Court for the Northern District of California.

4 10. By filing this Notice of Removal Defendant does not waive any defenses, claims or  
5 rights of any kind.

6 11. Counsel certifies that a copy of this Notice of Removal will be filed with the Clerk of  
7 the Superior Court of the State of California, County of Alameda, in conformity with 28 U.S.C. §  
8 1446(d).

9 12. A true and correct copy of all process, pleadings and orders filed, delivered or served  
10 upon Defendants in the State Court Action are submitted pursuant to 28 U.S.C. § 1446(a), as attached  
11 to the Garcia Declaration.

12 Wherefore, Defendant Madison Vineyard Holdings, LLC dba Jamieson Ranch Vineyards  
13 removes this entire action, and all claims and causes of action included therein, from the Superior  
14 Court of the State of California, County of Alameda, to the United States District Court for the  
15 Northern District of California.

16 DATED: January 22, 2016

KULUVA, ARMIJO & GARCIA



By: \_\_\_\_\_

EDWARD GARCIA

EDWARD GARCIA, Bar No. 173487  
KULUVA, ARMIJO & GARCIA  
One California Street, Suite 1150  
San Francisco, CA 94111  
(415) 273-6500  
(415) 273-6535  
[edgarcia@kuluvalaw.com](mailto:edgarcia@kuluvalaw.com)

Attorneys for Defendant  
Madison Vineyard Holdings, LLC dba  
Jamieson Ranch Vineyards

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARTHA HERNANDEZ

Plaintiff,

vs.

FOAM FABRICATORS, INC.; AND DOES 1-  
100, INCLUSIVE,

Defendants.

CASE NO.

[Alameda County Superior Court No. RG15797471]

**DECLARATION OF EDWARD GARCIA**

I, EDWARD GARCIA, declare:

1. I am an attorney at law duly licensed to practice law before all courts of the State of California and am a managing attorney with the law offices of KULUVA, ARMIJO & GARCIA, attorneys of record for Defendant Madison Vineyard Holdings, LLC dba Jamieson Ranch Vineyards in the above-entitled action. I have personal knowledge of the facts set forth herein and if called upon to testify, hereto, I could and would testify competently and truthfully thereto.

2. Attached hereto as Exhibit A is a true and correct of the Complaint in the action, *Guzman v. Madison Vineyard Holdings, LLC dba Jamieson Ranch Vineyards and Does 1-100*, in the Superior Court of the State of California, County of Alameda, case no. RG15797471.

3. Attached as Exhibit B is a true and correct copy of the Notice And Acknowledgement of Receipt - Civil, reflecting service by mail on December 29, 2015 on behalf of Defendant Madison Vineyard Holdings, LLC dba Jamieson Ranch Vineyards.

1           4.       Other than the attached Exhibit A, there are no other pleadings that have been filed  
2 and served on Defendant in this action.

3           5.       Defendant Madison Vineyard Holdings, LLC is incorporated as a limited liability  
4 company in Delaware with its headquarters in the Cayman Islands.

5           6.       Although in accordance with state law Plaintiff does not allege the specific amount of  
6 damages she seeks in the State Court Action, Plaintiff's Complaint alleges both statutory and non-  
7 statutory claims for gender discrimination, racial harassment, racial discrimination, disability  
8 discrimination, retaliation, and wrongful termination in violation of public policy. In addition to  
9 general, consequential and special damages, Plaintiff also demands interest, punitive damages, and  
10 statutory attorneys' fees and costs.

11       I declare under penalty of perjury under the laws of the State of California that the foregoing is  
12 true and correct.

13       Executed on this 22<sup>nd</sup> day of January, 2016 at San Francisco, California.

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



EDWARD GARCIA

**PROOF OF SERVICE BY MAIL**

**STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO**

(FRCivP 5(b)) or FRAP 25(d))

I, the undersigned, hereby certify that I am a citizen of the United States and over the age of eighteen; I work in the County of San Francisco, California, in which County the within mailing took place; and I am not a party to the subject case. My business address is One California Street, Suite 1150, San Francisco, CA 94111.

I am familiar with the practice of this law firm for the collection and processing of documents for mailing with the United States Postal Service, that the documents would be deposited with the United States Postal Service that same day in the ordinary course of business.

On January 22, 2016, I placed the within **NOTICE OF REMOVAL OF ACTION; DECLARATION OF EDWARD GARCIA FILED CONCURRENTLY HEREWITH [28 U.S.C. §§ 1332, 1441 and 1446]** in an envelope(s) sealed, with postage thereon fully prepaid, and following the ordinary business practices of this law firm, placed said envelope(s) for collection and mailing to the parties to the within action, at San Francisco, California, addressed as follows:

Na'il Benjamin  
**Benjamin Law Group, A.P.C.**  
101 California Street, Suite 2710  
San Francisco, CA 94111

John L. Burris  
**Law Offices of John L. Burris**  
Airport Corporate Centre'  
7677 Oakport Street, Suite 1120  
Oakland, CA 94621

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed this day January 22, 2016, at San Francisco, California.



\_\_\_\_\_  
Shawna A. Fields